S.B. Cr. III Bail Application No. 4640/2007
(Ratan Lal Bheel Vs. State of Rajasthan)

Date of order : 18.09.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Mahesh Khyemi for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned.

It appears that there had been a recovery of 10 kg. of opium. The contraband recovered is commercial quantity.

Learned counsel for the petitioner submits that it has not been recovered from the personal possession of the petitioner.

From the order impugned, it appears that it was the petitioner who was carrying a bag in his hand in which 10 kg of opium was found, by seeing the police raiding party, threw the bag and ran away. Thereafter he remained absconded. In the circumstances, therefore, in my view, it is not a fit case to release the petitioner on bail.

The bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

rp